

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Duniek A. Christian,

Case No. 4:11 CV 2421

Petitioner,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Randall L. Wellington, et al.,

Respondents.

Pending before this Court are Respondent Randall Wellington's Motion to Dismiss (Doc. 10) and Petitioner's Motion to Grant Writ (Doc. 11). This case was referred to Magistrate Judge Nancy Vecchiarelli for a Report and Recommendation ("R&R"). The R&R recommends this Court deny both Motions (Doc. 22). Under the relevant statute, 28 U.S.C. § 636(b)(1):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

The deadline for filing objections was March 30, 2012. It is now April 13, 2012, and no objections have been filed. The R&R accurately states the facts and law, and this Court adopts it in its entirety. Accordingly, the Motions are denied.

Respondent shall file a merit brief by **April 27, 2012** and then Petitioner shall file a merit brief by **May 11, 2012**.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

April 13, 2012